

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 88 OF 2007

IN

LETTERS PATENT APPEAL NO. 350 OF 2004

IN

WRIT PETITION NO. 4898 OF 2004

Latabai R. Pangerkar & Ors. .. Applicants.

vs.

The State of Maharashtra & Ors. .. Respondents .

WITH

CIVIL APPLICATION NO. 89 OF 2007

IN

LETTERS PATENT APPEAL NO. 351 OF 2004

IN

WRIT PETITION NO. 4899 OF 2004

Sohanlal Ayodhaprasad Gupta

since deceased thru his legal heir

Sunil Gupta. .. Applicant.

vs.

The State of Maharashtra & Ors. .. Respondents .

WITH

CIVIL APPLICATION NO. 90 OF 2007

IN

WRIT PETITION NO. 4891 OF 2004

VS.

The State of Maharashtra & Ors. .. Respondents .

Mr. S.Y. Katkade for applicants.

Mr. P.S. Cardoz, AGP., for R. Nos. 1 to 4.

Mr. A.C. Singh with A.D. Yadav for R. No.6.

Uttam Uttangale for R. No. 7.

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Coram: J.N. PATEL &

A.A. SAYED, JJ.

Date: 25TH APRIL, 2007.

P.C.

. The appellants before us have made serious imputation against their earlier advocate who was not present when the letters patent appeal was taken up for admission. At the request of the appellants we have appointed an advocate from the Legal Aid Panel.

2. Heard the learned counsel for the appellants and the respondents. In our view, our order dated 2.4.2007 does not require any reconsideration as can be

seen from the order passed by us wherein we have taken note of the fact that the learned Single Judge has protected the rights of the appellants.

3. The learned counsel for the appellants submits that transit accommodation which has been offered as an alternative to the appellants is itself going to be demolished by an order of the Division Bench of this Court in Writ Petition No. 2497 of 2005.

4. The learned counsel for the respondents submits that there is no order of demolition but eviction of unauthorised occupants in the transit camp. It is specifically stated that the appellants have been directed to be shifted in transit camp no. 4 which is not to be demolished and is very much in existence and the appellants can be provided accommodation in the said transit camp as observed by the learned Single Judge. We accept this statement made on behalf of the respondent which sufficiently protects the rights of the appellants. The learned counsel for the appellants submits that the appellants should shift to transit camp no. 4 on or before 30.4.2007. We, therefore, direct the authorities not to demolish the accommodation presently in occupation of the appellants till 30.4.2007.

(J.N. Patel, J.)

(A.A. Sayed, J.)